

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Alvin Ivey, )  
Plaintiff, ) Civil Action No. 4:16-cv-02075-JMC  
v. )  
Nancy A. Berryhill, Commissioner of )  
Social Security, )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER**

This matter is before the court upon review of Magistrate Judge Thomas E. Rogers, III's Report and Recommendation ("Report"), filed on March 13, 2017 (ECF No. 13), recommending that the Commissioner of Social Security's ("Commissioner") decision denying Plaintiff's claim for Disability Insurance Benefits ("DIB") be reversed and remanded for further proceedings. The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

The parties were notified of their right to file objections. (ECF No. 13). On March 22, 2017, the Commissioner filed her Reply to the Report (ECF No. 15) providing notice that the agency will not file objections to the Report.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of a right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law, and there is no clear error. The court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 13) and incorporates it herein by reference. For the reasons set out in the Report, the Commissioner's final decision is reversed and remanded for additional administrative proceedings.

**IT IS SO ORDERED.**



United States District Judge

May 8, 2017  
Columbia, South Carolina